IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2971 of 2005

DATE OF DECISION: 8.8.2006

United India Insurance Co.Ltd.

...Appellant

versus

Muni Lal and others

... Respondents

CORAM:- Hon'ble Mr.Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.Vinod Gupta, Advocate,
for the appellant.
Mr.Vishal Gupta, Advocate
for respondent Nos.1 to 6.

UMA NATH SINGH, J. (ORAL)

In this FAO by the Insurance Company against an award dated 15.3.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Ropar, in MACT Case No. 17 of 1.2.2005, learned counsel submitted that the Insurance Company was not granted permission under Section 170 of the Motor Vehicles Act, 1988 (for short `the Act') to contest the claim on merits. However, learned counsel, on the strength of a judgment of Hon'ble the Apex Court reported in 2004 ACJ 934 (Deepal Girishbhai Soni and others versus United India Insurance Co. Ltd.), submitted that since the claim was set up for a higher amount beyond Rs.40,000/-, the Tribunal should not have tried the claim petition under Section 163-A of the Act.

We do not agree with the submission for the reason that in FAO No.2184 of 2006 vide our judgment dated 22.5.2006, we considered this submission and have held as under:-

"The judgment does not lay down a law that merely by setting up a claim on the basis of higher income, the claimants would be dis-qualified to lay a claim under Section 163-A of the Act. Moreover, it appears from the ratio of that judgment that the provisions of Section 163-A of the Act being beneficial piece of legislation in nature would not act as a bar in a case where the Tribunal comes to the finding that the income is below Rs.40,000/- yearly."

Further, as referred to above, we decline to accept this submission also for the reason that the Insurance Company was not granted permission under Section 170 of the Act to contest the case on merits.

Accordingly, FAO No.2971 of 2005 fails and is, hereby, dismissed, at the threshold.

(UMA NATH SINGH)
JUDGE

August 8, 2006
pk

(S.D.ANAND)
JUDGE